

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON; and STATE OF
OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; EXECUTIVE
OFFICE OF THE PRESIDENT; UNITED
STATES DEPARTMENT OF JUSTICE;
PAMELA BONDI, in her official capacity as
Attorney General of the United States;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; KRISTI NOEM,
in her official capacity as United States
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF DEFENSE;
PETE HEGSETH, in his official capacity as
Secretary of Defense; DEPARTMENT OF
GOVERNMENT EFFICIENCY SERVICE;
AMY GLEASON, in her official capacity as
Acting DOGE Administrator; UNITED
STATES ELECTION ASSISTANCE
COMMISSION; DONALD L. PALMER, in
his official capacity as Chairman of the U.S.
Election Assistance Commission; THOMAS
HICKS, in his official capacity as Vice Chair
of the U.S. Election Assistance Commission;
CHRISTY McCORMICK and BENJAMIN W.
HOVLAND, in their official capacities as
Commissioners of the U.S. Election Assistance
Commission; BRIANNA SCHLETZ, in her
official capacity as executive director of the
U.S. Election Assistance Commission;

Case No. 2:25-cv-00602-JHC

MOTION FOR LEAVE TO FILE AMICI
CURIAE BRIEF OF BIPARTISAN
FORMER STATE SECRETARIES OF
STATE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGEMENT (ECF NO. 37)

MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF OF BIPARTISAN FORMER - 1
STATE SECRETARIES OF STATE IN SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGEMENT (ECF NO. 37)

FEDERAL EMERGENCY MANAGEMENT
AGENCY; CAMERON HAMILTON, in his
official capacity as Senior Official Performing
the Duties of Federal Emergency Management
Agency Administrator,

Defendants.

I. INTRODUCTION

Proposed *Amici* move for leave to file the attached amicus brief in support of Plaintiffs’ Motion for Partial Summary Judgment (ECF 37) (the “Motion”), and state as follows:

Proposed *Amici* are a bipartisan group of former state secretaries of state from Colorado, Connecticut, Minnesota, Pennsylvania, Washington, and West Virginia. As the former chief election administrators in their respective states, they are uniquely familiar with states’ crucial role in regulating and administering federal elections. The Proposed *Amici* should be granted leave to file the accompanying brief because of their unique insight into the states’ role in administering elections, which addresses a matter central to this challenge and is offered from a perspective that is not otherwise provided by the parties.

No party’s counsel has authored this brief in whole or in part and no person or entity, other than Proposed *Amici* or their counsel, has made a monetary contribution to the preparation or submission of this brief.

II. IDENTITY AND INTEREST OF AMICI CURIAE

Whether to allow amicus briefing is within this Court’s “broad discretion[.]” *Sec. & Exch. Comm’n v. Bittrex Inc.*, No. 2:23-CV-00580-RSM, 2023 WL 4866373, at *1 (W.D. Wash. July 31, 2023) (granting leave to file where brief provides “assistance in framing the facts and law of this case”). “District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has ‘unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *NGV Gaming, Ltd. v. Upstream Point Molate*,

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1 *LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246 F.Supp.2d 59,
 2 62 (D.D.C. 2003)). The “classic role” of amicus curiae is to “assist[] in a case of general public
 3 interest, supplement[] the efforts of counsel, and draw[] the court's attention to law that escaped
 4 consideration.” *Miller-Wohl Co. v. Comm'r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204
 5 (9th Cir. 1982).

6 **III. REASONS WHY MOTION SHOULD BE GRANTED**

7 The Court should exercise its discretion to permit *Amici* to file the attached amicus brief.
 8 Counsel for *Amici* are familiar with the scope of the arguments presented by the parties and will
 9 not unduly repeat those arguments. Instead, the proposed brief, informed by Proposed *Amici*'s
 10 expertise and direct experience faithfully overseeing elections, will assist the Court in its
 11 consideration of the Motion by shedding additional light on the states' pivotal role in enacting
 12 and executing election laws. The brief proceeds by arguing that, pursuant to the Elections and
 13 Electors Clauses, states play an irreplaceable role in election regulation and administration. The
 14 brief then analyzes caselaw that reaffirms that the President has no standalone role in regulating
 15 elections. It finally argues that to the extent the Executive Order attempts to draw power from
 16 federal laws enacted by Congress, none of the laws at issue have displaced states' traditional role
 17 in elections. As bipartisan former officials from states that both elect and appoint secretaries of
 18 state, Proposed *Amici* have a diverse range of perspectives. Proposed *Amici* also share a common
 19 commitment to ensuring that elections are free and fair and support the Motion.

20 As the United States District Court for the District of Columbia concluded in granting an
 21 overlapping group of Amici leave to file a similar amicus brief in litigation challenging the same
 22 Executive Order, “[a]s former state election officials, [A]mici offer a unique perspective not
 23 presented by the parties. And their proposed brief is relevant and helpful.” Minute Order, *League*
 24 *of United Latin American Citizens, et al. v. Executive office of the President, et al.*, No. 25-946,
 25 (April 24, 2025) (“LULAC”).

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Counsel for Proposed *Amici* have conferred with counsel for the parties. This motion is unopposed by Plaintiffs and opposed by Defendants.

IV. CONCLUSION

For these reasons, Proposed *Amici* respectfully requests that the Court grant it leave to file the amicus brief attached as Exhibit A.

DATED: July 21, 2025

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